

REMARKS

Applicants hereby reply to the Office Action dated October 22, 2004 within the shortened three month statutory period for reply. Claims 1-47 were pending in the application and the Examiner rejects claims 1-47. Applicants amend independent claims 1, 31, 39-40, 45-46 and 47 and conforms certain dependent claims. Applicants further add new claims 48-51. Support for the amendments and new claims may be found in the originally filed specification, claims, and figures. No new matter has been introduced by these amendments and new claims. As such, claims 1-51 are pending in the application. Reconsideration of this application is respectfully requested.

The Examiner rejects claims 1, 2, 10-16, 22-24, 26, 31, 36, 39-40 and 45-46 under 35 U.S.C. 103(a) as being unpatentable over DiAngelo (US 6,101,482) in view of Philippe (US 6,643,624). Applicants respectfully traverse this rejection. Specifically, the Examiner states that DiAngelo teaches, "a user interface to allow a consumer to order products via a network, comprising: providing a window for the consumer to browse product information from a plurality of merchants".

DiAngelo is limited to a method for purchasing products and services wherein a consumer must select products and services from a plurality of merchant websites by storing product and merchant information on the consumer's computer. When the consumer is ready to consummate the purchases, the information stored in the consumer's computer is uploaded to a server which then facilitates the purchase transactions. The "shopping cart" as disclosed by DiAngelo is maintained on the consumer's computer as the consumer navigates any number of merchant websites and selects items for purchase from different website interfaces. As such, DiAngelo does not disclose or suggest "displaying said information from said at least one website within said consistent user interface" as recited in independent claim 1 and similarly recited in independent claims 31, 39-40 and 45-46.

The Examiner further states that DiAngelo does not specifically disclose "product selection links for selecting and adding selected products to said universal shopping cart; and providing a universal shopping cart check out link for checking out said universal shopping cart without directing the consumer to the merchant's site". However, the Examiner asserts that Philippe discloses these steps.

Philippe is limited to a method for effecting transactions across multiple vendors in an integrated environment, wherein a consumer may enter search criteria or select from a product

category in order to invoke a search on the Internet. According to Philippe, "the user performs a search for items of interest using a search program as is known in the art" (column 7, lines 38-40), wherein the known searching is accomplished by acquiring information directly from a merchant server. As such, neither of the references (DiAngelo and Philippe) cited against claims 1 and related claims 31, 39-40 and 45-46, disclose or suggest "searching a local database for information relating to said at least one product prior to searching at least one website for said information" as similarly recited by independent claim 1 and independent claims 31, 39-40 and 45-46.

The Examiner next rejects claims 4-6, 17-21, 27, 31, 33-35, 38 and 42-44 under 35 U.S.C. 103(a) as being unpatentable over the combination of DiAngelo and Phillippe as applied to claims 1, 31 and 40 above, and further in view of Ferguson U.S. Patent no. 5,966,697. Applicants respectfully traverse this rejection. Claims 4-6, 17-21, 27, 31, 33-35, 38 and 42-44 variously depend from the independent claims, therefore dependent claims 4-6, 17-21, 27, 31, 33-35, 38 and 42-44 are differentiated from the cited reference for at least the same reasons as set forth above for differentiating the independent claims, as well as in view of their own respective features.

The Examiner also rejects claim 47 under 35 U.S.C. 103(a) as being unpatentable over Musgrove (US 6,535,880 B1) in view of Philippe (US 6,643,624 B1). Applicants respectfully traverse this rejection. Specifically, the Examiner asserts that "Musgrove teaches a computer readable medium having a computer executable components for providing a consistent shopping interface comprising: a search component for searching product information from at least one merchant".

Musgrove is limited to an on-line shopping method and apparatus wherein consumers may view products from a plurality of vendors within a user interface. According to Musgrove, the system collects product information from any number of merchant websites and stores the information within a database. When a consumer connects to the system of Musgrove and conducts a product search, a server receives the request and searches a database for products matching the search criteria. Information relating to the products are then displayed on the consumers device. The consumer may then choose to conduct a purchase of one or more products which invokes a server with a secure network connection with a merchant server, to enter consumer information at the merchant server to consummate the purchase transaction.

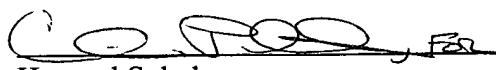
The method employed by Musgrove to provide product information to a consumer consists of storing product and merchant information within a database, and searching the database on receiving a product request from a consumer. Musgrove further discloses that product information may be obtained in advance by employing a web crawler or a bot to retrieve product information from merchant web sites. However, according to the system of Musgrove, if a consumer were to execute a search for a product that is not a part of the local database, the consumer would not be presented with results. In other words, Musgrove does not disclose searching the Internet after checking a local database of previously collected information. As such, Musgrove does not disclose or suggest "a search component for searching a local database for information relating to at least one product prior to searching at least one website for said information", as recited by independent claim 47.

The Examiner also rejects claims 2-30, 32-38 and 41-44 which variously depend from independent claims 1, 31, 39-40 and 45-46. Applicants respectfully traverse these rejections. Applicants assert that dependent claims 2-30, 32-38 and 41-44 are differentiated from the cited reference for at least the same reasons as set forth above for differentiating independent claims 1, 31, 39-40 and 45-46 from the cited reference.

In view of the above remarks and amendments, Applicants respectfully submits that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicant authorizes and respectfully request that any fees due be charged to Deposit Account No. 19-2814, including any required extension fees.

Respectfully submitted,

Dated: December 21, 2004



Howard Sobelman
Reg. No. 39,038

SNELL & WILMER L.L.P.

400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6228
Fax: 602-382-6070
Email: hsobelman@swlaw.com